

## Sūrah At-Ṭalāq (The Divorce)

This Sūrah is Madanī, and it has 12 verses and 2 sections

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

With the name of Allah, the All-Merciful, the Very-Merciful

Verses 1 - 7

يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ ۚ  
وَاتَّقُوا اللَّهَ رَبَّكُمْ لَا تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يَخْرُجْنَ إِلَّا أَنْ  
يَأْتِيَنَّ بِغَايِبَةٍ مُبَيَّنَةٍ ۚ وَتِلْكَ حُدُودُ اللَّهِ وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ  
فَقَدْ ظَلَمَ نَفْسَهُ ۚ لَا تَدْرِي لَعَلَّ اللَّهَ يُخْدِثُ بَعْدَ ذَلِكَ أَمْرًا ۝١  
فَإِذَا بَلَغَ أَجْلُهُنَّ فَامْسِكُوهُنَّ بِمَعْرُوفٍ أَوْ فَارِقُوهُنَّ بِمَعْرُوفٍ  
وَأَشْهَدُوا ذَوَى عَدْلٍ مِنْكُمْ وَأَقِيمُوا الشَّهَادَةَ لِلَّهِ ۚ ذَلِكَمْ يُرَعَّفُ بِهِ  
مَنْ كَانَ يُوْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۚ وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا  
۝٢ وَيَرْزُقْهُ مِنْ حَيْثُ لَا يَحْتَسِبُ ۚ وَمَنْ يَتَوَكَّلْ عَلَى اللَّهِ فَهُوَ  
حَسْبُهُ ۚ إِنَّ اللَّهَ بَالِغُ أَمْرِهِ ۚ قَدْ جَعَلَ اللَّهُ لِكُلِّ شَيْءٍ قَدْرًا ۝٣  
وَالَّذِي يُؤَسِّنُ مِنَ الْمَحِيضِ مِنْ نِسَائِكُمْ إِنْ ارْتَبْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةُ  
أَشْهُرٍ وَالَّذِي لَمْ يَحْضَنْ ۚ وَأُولَٰئِكَ الْأَحْمَالُ أَجْلُهُنَّ أَنْ يَضَعَنَّ  
حَمْلَهُنَّ ۚ وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مِنْ أَمْرِهِ يُسْرًا ۝٤ ذَلِكَ أَمْرُ اللَّهِ  
أَنْزَلَهُ إِلَيْكُمْ ۚ وَمَنْ يَتَّقِ اللَّهَ يَكْفِرْ عَنْهُ سَيِّئَاتِهِ وَيُعْظِمْ لَهُ أَجْرًا ۝٥

أَسْكِنُوهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مِنْ وَجْدِكُمْ وَلَا تُضَارُّوهُنَّ لِتُضَيِّقُوا  
 عَلَيْهِنَّ ۖ وَإِنْ كُنَّ أُولَاتٍ حَمْلٍ فَأَنْفِقُوا عَلَيْهِنَّ حَتَّى يَضَعْنَ  
 حَمْلَهُنَّ ۚ فَإِنْ أَرْضَعْنَ لَكُمْ فَاتُّوهُنَّ أُجُورَهُنَّ ۚ وَاتَّمِرُوا بَيْنَكُمْ  
 بِمَعْرُوفٍ ۚ وَإِنْ تَعَاسَرْتُمْ فَسْتَزِيعُ لَهُ أُخْرَىٰ ﴿٦﴾ لِيُنْفِقَ ذُو سَعَةٍ  
 مِنْ سَعَتِهِ ۚ وَمَنْ قَدِرَ عَلَيْهِ رِزْقُهُ فَلْيُنْفِقْ مِمَّا آتَاهُ اللَّهُ ۚ لَا يَكْفِلُ  
 اللَّهُ نَفْسًا إِلَّا مَّا آتَاهَا ۚ سَيَجْعَلُ اللَّهُ بَعْدَ عُسْرٍ يُسْرًا ﴿٧﴾

O prophet, when you people divorce women, divorce them at a time when the period of 'iddah may start.<sup>1</sup> And count the period of 'iddah, and fear Allah, your Lord. Do not expel them from their houses, nor should they go out, unless they come up with a clearly shameless act. And these are the limits prescribed by Allah. And whoever exceeds the limits prescribed by Allah wrongs his own self. You do not know (what will happen in future); it may be that Allah brings about a new situation thereafter. [1] So, when they (the divorced women) have (almost) reached their term, then either retain them with fairness, or part with them with fairness. And make two just men from among you witnesses (of your either decision). And (O witnesses,) keep your testimony upright for the sake of Allah. That is what anyone who believes in Allah and the Last Day is exhorted to do. And whoever fears Allah, for him Allah brings forth a way out, [2] and gives him provision (of his needs) from where he does not even imagine. And whoever places his trust in Allah, He is sufficient for him. Surely Allah is to accomplish His purpose. Allah has set a measure for every thing. [3] And those women from among you who have despaired of (further) menstruation, if you are in doubt, their 'iddah is three months, as well as of those who have

(1) 'iddah means the waiting period prescribed for a divorced woman before she can marry another man. In the case of a divorcee, it is three periods of menstruation. The verse indicates that divorce should be given during *tuhr* (when the woman is not in her menstruation period), so that 'iddah may start from her immediate menstruation period. Conversely, if she is divorced during menses, 'iddah will start from the next menses period, and she will have to wait for long time before her 'iddah may start. (Muhammad Taqi Usmani)

not yet menstruated. As for those having pregnancy, their term (of '*iddah* ') is that they give birth to their child. And whoever fears Allah, He brings about ease for him in his affair. [4] This is the command of Allah that He has sent down to you. And whoever fears Allah, He will write off his evil deeds, and will give him a huge reward. [5] Provide them (the divorced women) residence from where you reside according to your means, and do not hurt them to straiten (life) for them. And if they are pregnant, spend on them till they give birth to their child. Then if they suckle the child for you, give them their fees, and consult each other (for determining the fee) with fairness, and if you have a deadlock between you, then another woman will suckle him. [6] A man of vast means should spend according to his vast means. And anyone whose sustenance is limited should spend from whatever Allah has given to him. Allah makes no one liable beyond what He has given to him. Allah will soon bring ease after a difficulty. [7]

## Commentary

### The Status of Marriage and Divorce in Shari'ah: The Wise Legal Framework

In Ma'ariful Qur'an, Volume [1], p 573, in Sūrah Al-Baqarah, full details of the subject under similar heading are given. The gist of the matter is that marriage and divorce in any given religion is not like a mutual transaction or contract similar to transactions in buying and selling or in loans and repayments, which the contracting parties may conclude as they wish. In all ages there has always been a consensus among followers of all religions that these contracts have a special sacred nature, far above ordinary contracts. Marriage and divorce must, of necessity, follow the sacred laws. The People of the Book, Jews and Christians, have a celestial religion and a heavenly book. Despite countless changes and distortions, they still retain the religious value of marriage, consider it sacrosanct and are unwilling to change its ceremonial rites. They maintain that traditional restrictions are binding. Idol-worshippers, who do not have any celestial book or religion, but do believe in the Supreme Being, like Hindus, Aryahs, Sikhs, Magi, Fire-worshippers and star-worshippers, all believe in the sacred nature of marriage and divorce and feel bound to fulfil their religious rites when

getting married. All family laws are based on these principles of the various religions.

Only the atheistic group, which rejects outright the existence of God or does not see the need for a religion, feel that marriage and divorce are like any other commercial transaction like 'hiring contract'. The purpose of marriage is no more than gratification of one's carnal desires. Alas, this theory seems to be gaining momentum throughout the world nowadays, which has made man to join the beastly queue. To Allah we belong and to Him we direct our complaint!

The sacred law of Islam is a complete and chaste system of life. Islam has not treated marriage as a civil contract only, but has endowed it with the status of a kind of worship. The institution thus not only allows the satisfaction of carnal desires of husband and wife in a chaste manner, with which they are naturally endued, but it also binds them in a wise and just system of mutual rights and obligations essential to the proper functioning of family life and solving the sociological problems like preserving the human race and upbringing of the children.

Since the proper functioning of human race depends on the proper maintenance of marital relationship, Islam has focused attention on family issues most exhaustively. By a careful analysis of the Holy Qur'ān we notice that commercial contracts like sale, partnership, hiring and so on are though among the most important socio-economic problems, the Holy Qur'ān has restricted itself to setting down their basic principles, and the bye-laws are rarely ever touched upon. In matters of marriage and divorce, on the other hand, not only the fundamental principles have been laid down, but their detailed laws have also been directly revealed by Allah in the Qur'ān and entrenched.

These laws have been scattered in various Chapters, and Sūrah An-Nisā' deals with them more elaborately. The current Sūrah, known as Sūrah Aṭ-Ṭalāq, specifically deals with 'divorce', 'the period of "iddah" and so on. Thus, according to some narratives, this Sūrah is also called as Sūrah An-Nisā' Aṣ-Ṣuḡhrā or the Short Sūrah An-Nisā' [Qurṭubī with reference to Bukhārī]

According to the drift of Islamic teachings, when a man and a woman contract marriage, it should establish a permanent relationship for the

whole lifetime. This will maintain stability of husband and wife in mundane, as well as, in religious affairs, and also in the up-bringing of the children born of this wedlock, so that their moral conduct is proper and upright. Therefore, Islam, at every step of the way, guides marriage partners to avoid bitterness in their marital relationship, and even if it does arise, utmost efforts are made to remove it and to patch up differences and reconcile. However, despite all these attempts, it is possible in some cases that there remains no way out for the welfare of the estranged parties except to terminate this relationship. Religions that do not allow divorce cause hardship for their followers when faced with such complicated situations and lead to serious consequences. For that reason, Islam has, like the laws of marriage, laid down principles and rules for divorce as well. However, it has at the same time declared to its followers the guiding principle that, out of all permissible acts, divorce is the most detested one in the sight of Allah. [narrated by Sayyidnā ‘Abdullah Ibn ‘Umar رضي الله عنه], meaning that people should avoid it as far as possible. They should use this provision only as a last resort, only when they are compelled to do it. Sayyidnā ‘Alī رضي الله عنه has narrated that the Messenger of Allah ﷺ said **تَزَوَّجُوا وَلَا تَطْلُقُوا فَإِنَّ الطَّلَاقَ يَهْتَزُّ مِنْهُ عَرْشُ الرَّحْمَنِ** (Marry; do not divorce because divorce causes the Throne of the All-Merciful to shudder.) Sayyidnā Abū Mūsā Ash‘arī رضي الله عنه narrates that the Messenger of Allah ﷺ said: "Do not divorce women without their committing the evil act, because Allah does not love men who merely wish to experience the taste of sex, nor does He love women who merely wish to experience the taste of sex ." [Qurtubī vide Tha‘labī]

Sayyidnā Mu‘adh Ibn Jabal رضي الله عنه narrates that the Messenger of Allah ﷺ said: "Allah has created nothing on the face of the earth dearer to Him than emancipation of slaves, and Allah has created nothing on the face of the earth more hateful to Him than divorce." [Qurtubī]

Nevertheless, Islam has though discouraged divorce and has advised its followers to avoid it as far as possible, it has allowed it in cases of necessity under special rules and regulations which require that if termination of marital relationship becomes necessary, it should be done in a fair and dignified manner. Divorce should not be taken as a means of satisfying anger and revenge.

This Sūrah opens with the vocative expression **يَا أَيُّهَا النَّبِيُّ** (O Prophet),

which, according to Imām Qurṭubī, is generally used where the rule declared after that is intended to apply to the entire body of the believers. Where the injunction is exclusively meant for the person of the Holy Prophet ﷺ, he is addressed as يَا أَيُّهَا الرَّسُولُ (O Messenger).

In this context, the vocative expression يَا أَيُّهَا النَّبِيُّ *Yā-ayyuhā-Nabiyu* is singular and as such it required that the verb should be singular as well to comply with the Arabic grammatical rule of concordance, but we notice that the verb used is the second person plural thus إِذَا طَلَقْتُمُ النِّسَاءَ (O prophet, when *you people* divorce women)

In terms of literary usage and rules of eloquence, there are two types of plural: plural of number and honorific plural. Plural of number applies to three or more persons, but often the plural may refer to one person only, in which case it expresses respect or honour and is called honorific plural. In the light of this rule, the plural verb addresses the 'prophet' directly as a mark of respect and honour, and at the same time it indicates that the injunction is not restricted to him exclusively, but it applies to the entire body of believers.

Some scholars, however, are of the view that a sentence is understood here in the following way: يَا أَيُّهَا النَّبِيُّ قُلْ لِلْمُؤْمِنِينَ إِذَا طَلَقْتُمُ النِّسَاءَ which means: O prophet, say to the believers that when they divorce their wives, they should observe the following procedure'.

Then the verse has laid down some rules relating to divorce as follows:

### Rule [1]

فَطَلِّقُوهُنَّ إِنْ كُنَّ حَائِضَاتٍ فَلْيُفَرِّقَنَّ بَيْنَهُمَا وَلْيَوَلَّ أَحَدُهُمَا حَيْضَتُهَا فَلْيَتَّخِذْ مَخْرَجًا (...divorce them at a time when the period of "iddah may start.[1]') Literally the word ['iddah means to 'count' and in the terminology of Shari'ah the term 'iddah means the waiting period prescribed for a divorced woman before she can marry another man. There are two ways in which a woman's marriage may be terminated. [1] When her husband dies, in which case the period of waiting is four months and ten days. [2] Her marriage ends when the husband divorces her. In the case of a divorcee that is not pregnant, 'iddah is three periods of menstruation according to Imām Abū Ḥanīfah and other leading authorities. According to Imām Shafī'i and other scholars, the waiting period for a divorcee is three tuhrs (i.e. three periods of purity after menses). However, there are no days or months fixed for her. Whenever

her three menstrual cycles or clean cycles complete, her waiting period of divorce will be over. Women who do not menstruate, because they have not yet attained puberty, or because they have attained menopausal age, rule about them is forthcoming. Likewise, the rule for pregnant women is also forthcoming, in which case the waiting period for death and divorce is the same. The verse indicates that divorce should be given during *tuhr* (when woman is not in her menstruation period), so that "*iddah* may start from her immediate menstruation period. Conversely, if she is divorced during menses, "*iddah* will start from the next menses period, and she will have to wait for a longer time before her "*iddah* may start.

Ṣaḥīḥ of Bukhārī and Muslim record that Sayyidna Ibn 'Umar رضي الله عنه divorced his wife while she was menstruating. When Sayyidnā 'Umar رضي الله عنه mentioned this to the Messenger of Allah ﷺ, he became very indignant and said:

ليراجعها ثم يمسكها حتى تطهر ثم تحيض فطهر، فان بدا له فليطلقها طاهراً قبل ان يمسه، فلنك العدة التي امرها الله تعالى ان يطلق بها النساء.

"He must take her back and keep her till she is purified, then has another menstrual cycle and is purified. If it then seems proper for him to pronounce another divorce to her, he may do so when she is pure from the menstrual discharge before having conjugal relations with her, for that is the "*iddah* that Allah has commanded for the divorce of women." [Ṣaḥīḥ Bukhārī and Muslim as quoted by Maḥzarī].

This Ḥadīth clarifies several points. [1] It is forbidden to divorce a woman while she is menstruating. [2] If a person does this, it is necessary for him to retract the divorce, provided that it is revocable as was in the case of Sayyidnā Ibn 'Umar رضي الله عنه. [3] If a husband wishes to divorce his wife during the clean-period, he must not have had conjugal relations with her. And [4] this is the interpretation of verse [1] of this Sūrah: **فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ**.

From what is cited above the meaning of the verse is explained, in that if a husband wishes to pronounce divorce on his wife, he must do so before her waiting period can commence. Since, according to Imām Abū Ḥanīfah, the waiting period will start with the menstrual cycle that follows the divorce, the meaning of the verse would be that in the clean period in which divorce is intended to be pronounced, no intercourse

should take place, and that it should be pronounced towards the last part of the clean period before the start of the menstrual cycle. But since according to Imām Shāfi'ī, the waiting-period starts with the clean-period, the phrase لِقَبْلِ عَدَّتِهِنَّ (before their waiting-period) implies: 'Divorce them at the start of the clean-period'. This difference of opinion hinges on the differential interpretation of the word *qurū'* occurring in verse خَلَّةَ قُرُوءٍ [228] of Sūrah Baqarah. The details are available in Volume [1] of Ma'ariful Qur'an under [2:228]

**In sum:** The first rule as derived from the verse under comment is that, according to unanimity of the Ummah, it is forbidden to pronounce divorce during the monthly courses. It should be pronounced in the interval between two monthly courses during which the husband and wife should not have had sexual intercourse. If they had intercourse during the interval, it is forbidden to pronounce the divorce. The reason for the prohibition in both cases is that the waiting-period of the wife will be unnecessarily prolonged and will cause her undue hardship. If she is divorced during her monthly course, it will not be counted. She will have to complete her days of menstruation and, according to the Ḥanafī school, the next clean-period or interval will not be counted either. When the second monthly course commences, her 'iddah will start. This will obviously lengthen her period greatly. According to the Shāfi'ī school, at least the rest of the menstrual days, which passed before the waiting-period, will be increased.

This very first rule about divorce ensures that divorce is not a source of satisfying a fit of anger or revenge. It is rather an arrangement adopted as a last resort for the comfort of both the parties. It is necessary, therefore, to keep in mind from the very outset that the wife should not be unduly harmed by prolonging her waiting period.

This procedure applies in the case of the women whose 'iddah is calculated by menstrual cycles or clean cycles. It does not apply to women for whom waiting-period is not compulsory, as in the case of a woman who did not have privacy with her husband. If a man and a woman got married but they did not get together in privacy, 'iddah is not necessary for her at all when she is divorced. Therefore, it is permissible to divorce such women during their monthly courses. Likewise, 'iddah for a woman who does not menstruate on account of minority of age, or because she



has attained menopausal age, is computed on monthly basis. Their *'iddah* is three months. Their menstrual or pure cycles are not taken into account. It is permissible to divorce them in any state, and even after having intercourse with them, as the forthcoming verses will clarify. [[Maḏharī] paraphrased]

### Rule [2]

وَأَحْصُوا الْعِدَّةَ (And count the period of *'iddah*...1) The word *Iḥsā'* means 'to count'. The verse purports to say that the believers, men and women, should keep a careful count of the passing days of the waiting period, lest they forget the exact days and feel, before time, that the waiting-period is over. The responsibility of keeping count of the days has been imposed on both men and women, although only masculine form has been used here. Generally, when the Qur'ān imposes injunctions on men and women, it uses the masculine form but it includes women as well. Another reason for using masculine gender here may be that women are generally more heedless, and therefore, the responsibility has been put directly on the shoulders of men.

### Rule [3]

لَا تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يَخْرُجْنَ (Do not expel them from their houses, nor should they go out...65:1). The construction in this verse contains the phrase *بُيُوتِهِنَّ* 'their houses', and implies that, so far as the residence of divorced women is due on men, they have a rightful claim in the home of their former husbands. Letting them reside there is no favour to them, but it is one of the basic rights of a wife that has been imposed upon the husband as an obligation. This verse shows that this right of hers does not end with divorce, but continues till the completion of waiting-period. Expelling a woman from her house before the completion of the waiting-period is unjust and forbidden. Likewise, it is forbidden for women to leave their houses on their own, even though the husband may permit her to leave, because spending the waiting-period in their houses is not only the husband's right, but also the Divine right, in that Allah has imposed on a woman in her period of *'iddah*. This is the rule according to the Ḥanafī school.

### Rule [4]

إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبِينَةٍ (...unless they come up with a clearly shameless act...65:1). It is forbidden to expel divorcees from their homes when they

are passing their period of '*iddah*'. However, an exception is made in this part of the verse. The exception applies to a situation when they come up with a clearly shameless act, in which case they may be expelled. What is meant by 'a clearly shameless act'? There are three views regarding this question:

The first view is that 'leaving husband's home on her own' is in itself an act of committing an outright indecency. In this interpretation, the 'exception' is not meant as a real exception. It does not purport to allow women to leave the homes, but to emphasise its prohibition with greater force. Its example is as follows: 'None shall do such-and-such certain work "unless" he has lost his human quality', or 'Do not use obscene language against your mother "unless" you wish to become out-and-out disobedient to your mother'. The first example of 'exception' does not purport to legalise the act, nor does the second example purport to legitimise it. Both examples eloquently emphasise prohibition of the acts. In brief, the injunction in the verse sets down that divorcees are not permitted to leave their husband's homes, unless they have reached the ultimate point of indecency and run away. Thus it does not allow to run away, but stresses its shamelessness and confirms its prohibition. This interpretation of 'clearly shameless act' is ascribed to Sayyidnā 'Abdullah Ibn 'Umar رضي الله عنه, Suddī, Ibn-us-Sā'ib, an-Nakha'ī and others. Imām Abū Ḥanīfah has also preferred this interpretation. [Rūḥ-ul-Ma'ānī]

The second interpretation of the phrase فَاجْشَئِ مُبَيَّنَةٍ 'a clearly shameless act' is that it refers to 'adultery' in which case the use of 'exception' would be in its normal sense. If a divorced woman commits adultery and it is proved that she is guilty of the crime, she will have to be taken away from her home to implement the prescribed punishment of adultery. This interpretation is attributed to Qatādah, Ḥasan al-Baṣrī, Sha'bī, Zaid Ibn Aslam, Ḍaḥḥāk, 'Ikrimah and others. Imām Abū Yūsuf has preferred this interpretation.

The third view about the phrase 'a clearly shameless act' is that it refers to the 'use of abusive language' or 'quarreling'. The sense is that if the woman uses abusive language or is quarrelsome, it is permissible to evict her from her home of '*iddah*'. This interpretation of the phrase is ascribed to Sayyidnā Ibn 'Abbās رضي الله عنه on the authority of several chains of transmitters. According to Sayyidnā 'Abdullah Ibn Mas'ūd رضي الله عنه and Ubayy

Ibn Ka'b رضي الله عنه, the exceptive phrase is read thus **إِلَّا أَنْ يُفَحِّشَ**. The apparent meaning of this reading is 'indecent speech'. This reading confirms the third interpretation. [Ruh] In this case as well, the 'exception' is employed in its primary sense - in that if a divorced woman is obscene in words and actions, she can be evicted from her home of waiting-period.

Thus far four rules of divorcing procedure have been set down. More rules are forthcoming, but between them there are a few sentences to stress upon the strict adherence to these rules and to exhort people to carefully refrain from their violation. It is a unique style of the Qur'ān that after every command or injunction, its violation is prevented by instilling Allah's awful reverence in the hearts, and by invoking concern about the Hereafter. Especially the relationship between husband and wife is so delicate that their mutual rights cannot be fulfilled merely by legislation. The only thing that can prevent spouses from violation of the rules is the fear of Allah and the Hereafter.

وَتِلْكَ حُدُودُ اللَّهِ <sup>ط</sup> وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ <sup>ط</sup> لَا تَدْرِي لَعَلَّ اللَّهَ يُحْدِثُ  
بَعْدَ ذَلِكَ أَمْرًا

(And these are the limits prescribed by Allah. And whoever exceeds the limits prescribed by Allah wrongs his own self. You do not know [what will happen in future]; it may be that Allah brings about a new situation thereafter...65:1)

The phrase **حُدُودُ اللَّهِ** (the limits prescribed by Allah) refers to the sacred laws set down by the Shari'ah of Islam. The phrase **وَمَنْ يَتَعَدَّ** (And whoever exceeds the limits prescribed by Allah) implies 'whoever violates the sacred laws'. The phrase **فَقَدْ ظَلَمَ نَفْسَهُ** (wronging his own self) implies that he has not damaged Allah's sacred laws or the Shari'ah. In fact, he has caused loss to himself. The loss could be religious, or it could be mundane. The religious loss means that he has sinned by violating the sacred laws, in consequence of which he will suffer in the Hereafter. The mundane loss means that any person who pronounces divorce in violation of the rules prescribed by the Shari'ah will most probably end up with three pronouncements of divorce, after which it cannot be revoked and even a fresh marriage is not possible. Such a person regrets bitterly and suffers tremendous hardship in this very world, especially if he has children. Many people divorce their wives with the intention of causing harm to them. It may cause some harm to the wives, but such cruel husbands will

be liable to double punishment: firstly for breaking the sacred laws of Allah, and secondly for the cruelty exercised against women. Such a situation has been so eloquently versified by a Persian poet:

پنداشت ستمگر جفا برما کرد.....برگردن وے بماند وبرما بگذشت

The oppressor thinks that he has caused misery for us

However our misery comes to an end, but the liability of punishment remains stuck with the neck of the oppressor for good.

لَا تَدْرِي لَعَلَّ اللَّهَ يُحْدِثُ بَعْدَ ذَلِكَ أَمْرًا (You do not know; it may be that Allah brings about a new situation thereafter....65:1). These words signify that after estranged relations between the spouses, Allah may create a situation where the husband may recall the comforts he enjoyed in her wife's company, and realise the services offered by her in taking care of children and the home. On realising this, He may be remorseful on what he did, retract the divorce and retain her as his wife. This is possible only if at the time of divorcing the limits prescribed by the Shari'ah is kept in view and instead of making the divorce *bā'in*, a revocable divorce is pronounced, in which case the husband has the right to retract it and retain the wife. Irrevocable divorce should not be resorted to unnecessarily because it terminates the marriage at once. Nor should three divorces should be pronounced, because after the third pronouncement, the husband does not have the right to retract, nor is it possible to renew the marriage contract, even if the divorced parties agree mutually.

#### Rule [5]

فَإِذَا بَلَغْنَ أَجَلَهُنَّ فَأَمْسِكُوهُنَّ بِمَعْرُوفٍ أَوْ فَارِقُوهُنَّ بِمَعْرُوفٍ (So, when they [the divorced women] have [almost] reached their term, then either retain them with fairness, or part with them with fairness...65:2). The word *ajal* means 'term of 'iddah' and 'reaching the term' means 'nearing the end of the 'iddah'. The fifth rule laid down by this verse is that when a divorced woman's term of 'iddah' is approaching the end, the time has almost come for the absolute termination of the marriage. By now the temporary impulse or momentary fit of anger should have dissipated, and it is the time to make the major decision with a cool and calm head whether it is better to retain the wife, or to terminate the marriage with her finally. If

the decision is to retain the wife, then she should be retained in all fairness with dignity and courtesy, the *masnūn* procedure of which is indicated in the forthcoming verse and in Prophetic Traditions: utter verbally that 'I have revoked the divorce I pronounced to you' and call two upright men as witnesses. If, however, the decision is to end the marriage, the woman should be released with fairness, dignity and courtesy. That is, the '*iddah*' should be allowed to expire, and once it expires, she is free to contract marriage with someone else.

### Rule [6]

At the end of term, whether it is decided to retain the wife or release her, the Qur'ān has restricted either of the decisions with the word *ma'rūf*. Literally, the word *ma'rūf* means 'a recognised way' and it implies that the Muslims are required to implement the approved procedure of Shari'ah and Sunnah, as recognised by Islam. If the decision is to revoke the divorce and retain the wife, she should not be hurt in future verbally or physically, nor should this be shown as a favour to her. The husband should resolve to bear her weakness that led to divorce in the past, so that it may not cause bitterness to arise again. If, on the other hand, the decision is to release her, then the recognised procedure is as follows: Do not evict her in disrespectful manner, but release her in a courteous manner. When she is made to leave the house, it is at least *mustahab* [rewardable] in some cases to give her a suit of clothes, and in other cases it is *wājib* [compulsory] to do so, as other verses of the Qur'ān show. The details are available in books of jurisprudence.

### Rule [7]

The seventh rule is derived directly from the above verse that gives the husband two options of retaining the wife or parting with her in fairness, and also indirectly from the preceding verse that says *لَعَلَّ اللَّهَ يُحْدِثَ* "...it may be that Allah brings about a new situation thereafter." Both these verses indicate that if the husband is forced into a situation of divorcing, it is the divine will that he should keep the option of revoking the divorce open. The approved method of divorce is that he should pronounce the divorce only once in express or clear words. The pronouncement of divorce should not contain any word or phrase expressive of anger that might denote absolute termination of marriage tie, as for instance he might say 'Get out of my house', or say 'I pronounce

severe divorce on you', or say 'No relationship exists between me and you'. When such expressions are uttered as part of the pronouncement of express divorce, or these expressions are uttered with the intention of divorce, the divorce becomes effective at once, and he loses the right of revocation. This in the terminology of Shari'ah is known as *Talāq Bā'in* or irrevocable divorce. Even worse situation is when the husband pronounces three divorces upon his wife after which the husband not only loses his right of revocation, but they [husband and wife] also lose their right to enter into a fresh marriage, even if they mutually agree as we have seen in Sūrah Al-Baqarah: 'فَإِنْ طَلَّقَهَا فَلَا تَحِلُّ لَهُ مِنْ بَعْدُ حَتَّى تَكَحَّ زَوْجًا غَيْرَهُ' (Thereafter, if he divorces her, she shall no longer remain lawful for him unless she marries a man other than him. [2:230])

### Three Simultaneous Divorces: Unlawful but Effective

Nowadays, total indifference to religion and heedlessness of its injunctions is widespread, in the society. Not only the illiterate and ignoramus, but also the literate people, like pleaders think that a divorce pronounced or written less than three times is no divorce at all. It is noticed daily that people who pronounce three simultaneous divorces regret bitterly and are in search of legal loopholes, so that they do not lose their wives.

Imām Nasā'ī reports, on the authority of Sayyidnā Maḥmūd Ibn Labīd رضي الله عنه, in an authentic Tradition that the Holy Prophet ﷺ was informed about a person who had pronounced three divorces on the spur of the moment to his wife. The Holy Prophet ﷺ having heard this became angry. Therefore, pronouncing three divorces simultaneously, by consensus of the Ummah, is prohibited. Even if a person pronounces three divorces separately in three different clean periods, that too is reprehensible, by consensus of the Ummah. Qur'ānic verses themselves confirm this by indication. The only disagreement lies in whether or not this procedure of divorce is as prohibited and counted as *bid'ah* as divorcing three times simultaneously. Imām Mālik holds this procedure as prohibited. Imāms Abū Ḥanīfah and Shāfi'ī do not view it as prohibited or as *bid'ah*. In fact, they view it as an approved [*sunnah*] procedure of divorce, but an abominable act nonetheless. Please see Ma'āriful Qur'ān, Vol. [1], PP 578-590 for detailed injunctions regarding three simultaneous divorces.

But just as the Ummah holds by consensus that pronouncing three divorces simultaneously is prohibited, it is also a point of consensus among the entire Ummah that despite being prohibited, if a person pronounces three simultaneous divorces, all the three divorces become effective, and fresh marriage between them, in future, would not be possible. The only people that disagree with the consensus of the four major schools are some of the followers of the *Ah-ul-Ḥadīth* group and the *Shī'ite* group. The four major schools argue that if something is abominable or unlawful, it does not necessarily imply that its legal consequences will not follow. For instance, if a person kills an innocent victim, the latter would die as a result of killing, despite the act of killing being unlawful. Likewise, despite three simultaneous divorces being unlawful, they necessarily take effect. On this issue, not only the four major schools agree unanimously, but there is also overwhelming consensus of the noble Companions. Please see Ma'āriful Qur'ān, Vol. [1], PP 586-590 for a detailed discussion on the action taken by Sayyidnā 'Umar Al-Fārūq رضي الله عنه on the issue of three simultaneous divorces.

### Rule [8]

وَأَشْهِدُوا ذَوَىٰ عَدْلٍ مِّنكُمْ وَأَقِيمُوا الشَّهَادَةَ لِلَّهِ (And make two just men from among you witnesses [of your either decision]. And (O witnesses,) keep your testimony upright for the sake of Allah...65:2) This verse purports to say that towards the end of the period of 'iddah, when a decision is made either to revoke the divorce and retain the wife, or to release her, it is commendable in both cases to call two upright persons to witness the decision. This procedure of having two witnesses is, according to most jurists, a commendable (*mustaḥabb*) practice, and not mandatory. Therefore, revocation of divorce is not contingent upon appointment of witnesses. The underlying wisdom of such appointment is to resolve the possible dispute that may arise later. In case the husband decides to revoke the divorce, it is possible that the wife may deny it, whereupon the witnesses may prove revocation. And in case he decides termination of marriage, a conflict can still arise where the husband himself may make mischief and, being overcome by the wife's love, claim that he had revoked the divorce before the expiration of 'iddah. The witnesses then may prove that he had decided to release the wife.

The adjectival phrase ذَوَىٰ عَدْلٍ (...two just men) refers to reliable

witnesses in terms of Shari'ah. If the witnesses are not reliable in terms of Shari'ah, that is, if they are not morally upright, pious and truthful, the Qāḍī would not be able to pass judgement on the basis of such unreliable, impious and untruthful witnesses.

أَقِيمُوا الشَّهَادَةَ لِلَّهِ (...keep your testimony upright for the sake of Allah...65:2) The verse addresses all Muslims in general that should they be required by a court to bear witness in a disputed case of revocation of divorce or complete termination of marriage, they should be unbiased in their testimony.

ذَلِكُمْ يُوعَظُ بِهِ مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ (That is what anyone who believes in Allah and the Last Day is exhorted to do...65:2) This verse particularly mentions the Hereafter because the mutual rights and obligations of husband and wife cannot be fulfilled without God-consciousness and the thought of the Hereafter.

### **The Wise and Educative style of the Qur'ān in the laws of Crime and Punishment**

The system of punishment for crimes and compiling their laws is in place among the states of the world since ancient times. Obviously, the Qur'ān is also the Book that explains the divine laws, but its style is unique. Before and after every piece of law, man is made conscious of Allah and the Hereafter, so that he may follow the law, not for fear of police or inspector or, but for fear of Allah, irrespective of whether anyone else sees him, not. In all situations, whether in private or in public, he finds the laws binding. This is the reason why even the harshest law was not difficult to implement among those who have proper faith in the Qur'ān. There was no need for a network of police and its special or secret services.

This unique Qur'ānic style is used in all laws, but it has been especially applied to the laws relating to the marital relations and their mutual rights and obligations, because due to the delicate nature of these relations, it is not possible to secure evidence for every shortcoming on either side, nor is it possible for the judicial system to investigate and estimate the full extent of the shortcomings in the relationship. Proper fulfilment of mutual rights depends only on the inner qualities of the couple and their actions and deeds. Therefore, the *Masnūn Khuṭbah* or



approved sermon that is recited at marriage contains three verses of the Qur'an, and each one of them begins with laying stress on *taqwā* and ends with laying stress on *taqwā* to indicate that the marrying parties must appreciate that Allah is fully aware of all their covert and overt actions, whether or not they are seen by someone else. Rather, He is well-aware of the innermost thoughts hidden in their minds or hearts. If they fall short of fulfilling the mutual rights and obligations or hurt each other, they will be answerable to the knower of secrets. In the same strain, a few injunctions have been laid down in Sūrah Aṭ-Ṭalāq. Immediately after the first injunction the believers are exhorted: **وَاتَّقُوا اللَّهَ** رَّبَّكُمْ ('And fear Allah, your Lord') After this exhortation, four more injunctions are set down and then they are admonished that anyone who oversteps Allah's limits will be wronging himself and will have to bear the disastrous consequences, thus **وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ** Four more indirect injunctions are set down after that, and the admonition is repeated, thus: **ذَلِكُمْ يُوعَظُ بِهِ مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ** ('That is what anyone who believes in Allah and the Last Day is exhorted to do...65:2) Followed by this is a verse in which the merits of *taqwā* are mentioned, describing its religious and mundane blessings and benefits. Towards the end of the same verse the blessings and benefits of trust in Allah have been described. Thereafter, a few more injunctions pertaining to waiting-period are set down. Then in two more verses additional benefits and blessings of *taqwā* are described. This is followed by injunctions pertaining to marriage, divorce, the wife's maintenance, children's fosterage and so on. In the course of all these injunctions, the mention of the Hereafter, the virtue of *taqwā*, and the blessings of trust in Allah are interspersed repeatedly. This Qur'anic style of alternating injunctions with the virtues of *taqwā* apparently seems disjointed, but having grasped the wisdom of the prudent style of the Qur'an, the close linkage becomes clear.

Now have a look at the interpretation of the foregoing verses:

**وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا وَيَرْزُقْهُ مِنْ حَيْثُ لَا يَحْتَسِبُ** (And whoever fears Allah, for him Allah brings forth a way out, and gives him provision (of his needs) from where he does not even imagine...2/3) The word *taqwā* primarily and literally means 'to guard' or 'to refrain'. In Islamic terminology it signifies 'to guard against sins'. When the word is related to Allah, it is translated as 'to fear Allah' and implies 'to avoid disobedience of Allah and

guard against sins'.

There are two benefits of تَقْوَى *taqwā* mentioned in this verse: [1] By exercising *taqwā*, Allah creates a way out to guard oneself. The question is 'Guard against what?' The correct answer is that it is general, 'against all mundane difficulties and hardships as well as all hardships and difficulties of the Hereafter' and the verse implies that for a God-fearing person Allah paves the way to salvage him from the difficulties and hardships of this world as well as from the horrors of the next world. [2] By exercising *taqwā*, Allah will provide for the God-fearing person *rizq* [literally 'provision'] from where he does not expect. The *rizq* in this context refers to anything one needs, whether any mundane need or any need of the Hereafter. Allah has promised the righteous believers in this verse that He will ease every difficulty of theirs and provide for them all their needs from resources they never expected or thought about. [Rūḥ]

In keeping with the present context, some of the commentators interpret the verse thus: The divorcing husband or the divorced wife, both or whoever of them is God-fearing, Allah will give them salvation from the horrors of divorce or termination of marriage experienced at the time of its happening. In other words, the man will be given a compatible wife and the woman will be given a compatible husband. Obviously the primary meaning of the verse comprehends all kinds of adversities and needs, including the horrors and needs of the husband and wife. [Rūḥ-ul-Maʿānī]

### The Cause of Revelation of the Above Verse

Sayyidnā ʿAbdullah Ibn ʿAbbās ؓ reports that ʿAuf Ibn Mālīk Ashjaʿī ؓ came up to the Messenger of Allah ﷺ and said that the enemies had arrested and kidnapped his son Sālīm. His mother is very anxious and he wanted to know what he should do. The Holy Prophet ﷺ ordered him and his wife to recite لا حول ولا قوة الا بالله (There is no strength nor power but with Allah) abundantly. The husband and wife complied with the order. They recited the formula abundantly. It produced its desired effect. One day the enemies became unmindful, and the boy somehow managed to escape and drove a herd of goats that belonged to them to his father. According to other narratives, he found one of their camels and he mounted it and drove the other camels to his father. The father reported the incident to the Messenger of Allah ﷺ. Another narration has it that he enquired

from the Holy Prophet ﷺ whether the goats and camels the son brought with him were lawful for them. On that occasion, the verse وَمَنْ يَتَّقِ اللَّهَ (And whoever fears Allah, for him Allah brings forth a way out, and gives him provision from where he does not even imagine...2/3)

According to other versions of the report, when Sayyidnā ‘Auf Ibn Mālik Ashja‘ī ؓ and his wife became very restless and anxious because of separation from the son, the Messenger of Allah ﷺ advised them to exercise *taqwā* and recite abundantly لَا حَوْلَ وَلَا قُوَّةَ إِلَّا بِاللَّهِ (There is no strength nor power but with Allah). [All these narratives are cited in Rūḥ-ul-Ma‘ānī from Ibn Mardūyah through the chain of al-Kalbī from Abī Ṣāliḥ from Ibn ‘Abbās]

This occasion of revelation indicates that this verse, though related to divorcing situation in this context, has general application for all circumstances.

### Ruling

This Tradition proves that when a Muslim is captured by the non-believers, the captive takes their property and returns home, such a property would be treated as booty, and as such their use would be lawful. It is a general rule of spoils to give 1/5th [*khums*] to the public treasury, but in this case he is not obligated to give 1/5th [*khums*] to the public treasury, because in the narration reported above, the *khums* of the property was not exacted from them. The jurists have ruled that if a Muslim secretly goes away to the Domain of War without seeking permission from them, snatch their property and somehow bring it into the Domain of Islam, the above ruling will apply. However, if he officially sought permission to enter their territory [as it happens nowadays by obtaining a visa] and entered their country, then it is not permissible for him to take their property without their consent. Likewise, if a person is captured and taken into the non-Muslim territory, and a non-Muslim deposits with him an article for safe custody, it is not permissible for him to take it away to the Domain of Islam. In the first case, it is not permissible because by seeking official permission a pact is entered into between them, and he has no authority to dispose of their property without their prior consent. If he does, it would be a breach of the pact. In the second case, there is a practical pact with the depositor, in that whenever he demands his deposited article back, it should be returned.

Failure to return his deposited item is tantamount to breach of contract that is unlawful in Shari'ah. [[Maḏharī]]

Before the Holy Prophet ﷺ migrated, many non-believers used to keep their deposits with him. At the time of migration, he still had with him some of these deposits. As long as he was in Makkah, he kept them himself, but when he was migrating, he committed them to the care of Sayyidnā 'Alī ؑ and did not take them with him to Madīnah. In fact, Sayyidnā 'Alī ؑ was left behind for the sole reason of returning the deposits to the rightful people.

### A Proven Prescription to avert calamities and achieve the objectives

According to the above Tradition, Sayyidnā 'Auf Ibn Mālīk Ashja'ī ؑ and his wife were advised to recite **لَا حَوْلَ وَلَا قُوَّةَ إِلَّا بِاللَّهِ** (There is no strength nor power but with Allah) abundantly to avert afflictions and obtain benefits. Mujaddid Alf Thānī رحمه الله تعالى says that abundant recitation of this formula is a proven prescription to avert all kinds of religious and mundane afflictions and to obtain all religious and mundane objectives and benefits. According to him, its proper way is to recite five hundred times **لَا حَوْلَ وَلَا قُوَّةَ إِلَّا بِاللَّهِ**, and to recite Ṣalāh (*durūd*) one hundred times before, and one hundred times after the formula, and then to supplicate to Allah for one's need. [Tafsīr [Maḏharī]] Imām Aḥmad, Ḥākim [grading the chain as *ṣaḥīḥ*], Baihaqī, Abū Na'īm and others have transmitted on the authority of Sayyidnā Abū Dharr ؑ that one day the Messenger of Allah ﷺ continuously recited the verse **وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا وَيَرْزُقْهُ مِنْ حَيْثُ لَا يَحْتَسِبُ** ('And whoever fears Allah, for him Allah brings forth a way out, and gives him provision from where he does not even imagine...2/3) until the reporter started feeling sleepy. The Holy Prophet ﷺ said: "Abū Dharr, if all people choose only this verse, it would be sufficient for them all." [Rūḥ-ul-Ma'ānī] 'Sufficient' in this statement means it would be sufficient for all people to accomplish their religious and mundane objectives, if they practice it.

(...And **وَمَنْ يَتَوَكَّلْ عَلَى اللَّهِ فَهُوَ حَسْبُهُ** إِنَّ اللَّهَ بَالِغُ أَمْرِهِ **قَدْ جَعَلَ اللَّهُ لِكُلِّ شَيْءٍ قَدْرًا**) (...And whoever places his trust in Allah, He is sufficient for him. Surely Allah is to accomplish His purpose. Allah has set a measure for every thing...65:3) In this verse Allah promises those who put their trust in Him that He shall suffice for them against all odds, because Allah will execute His

decisions that He made for them, in whatever way He wills and chooses. Allah set a measure for all things. It is in accordance with this set measure that He decrees all acts. Tirmidhī and Ibn Mājah record from Sayyidnā ‘Umar رضي الله عنه that Allah's Messenger ﷺ said:

لَوَأَنَّكُمْ تَوَكَّلْتُمْ عَلَى اللَّهِ حَقَّ تَوَكُّلِهِ لَرَزَقَكُمْ كَمَا يَرْزُقُ الطَّيْرَ تَغْدُوا خِمَاصًا وَتَرُوحُ  
بَطَانًا.

"If you trust in Allah as He ought to be trusted, He will provide for you in the same way as He provides for the birds. They leave their nests while hungry in the mornings, but come back in the evenings with their bellies full."

Ṣaḥīḥs of Bukhārī and Muslim transmit on the authority of Sayyidnā Ibn ‘Abbās رضي الله عنه that Allah's Messenger ﷺ said: "Seventy-thousand of my followers will be admitted to Paradise without account." Among their other qualities, they will be characterised by having trust in Allah." [Maḥzarī]

*Tawakkul* (Trust in Allah) does not mean to forsake the causes and means Allah has created for us to acquire things. One should utilise the means at our disposal. However, instead of relying solely on them, one should rather put his trust in Allah, in that no task shall be accomplished unless Allah wills it. After describing the virtues and blessings of *taqwā* and *Twakkul*, the next verses lay down some more rules about divorce and "iddah."

### Rule [9]

وَالَّذِي يُمَسِّنَ مِنَ الْمَحِيضِ مِنْ نِسَائِكُمْ إِنْ ارْتَبْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةُ أَشْهُرٍ وَالَّتِي لَمْ  
يَحِضْنَ ۖ وَأُولَٰئِ الْأَحْمَالُ أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ

(And those women from among you who have despaired of [further] menstruation, if you are in doubt, their "iddah is three months, as well as of those who have not yet menstruated. As for those having pregnancy, their term [of "iddah] is that they give birth to their child...65:4)

This verse deals with additional rules pertaining to the waiting-period of divorced women. It subdivides divorced women and their waiting-periods into three different categories. Under normal circumstances, the waiting-period of a divorced woman is three menstrual cycles as mentioned in Sūrah Al-Baqarah. In the case of women who have stopped menstruating for good on account of advanced age, or due

to some disease etc. their "*iddah* is three months instead of three menstrual cycles. The same is the "*iddah* of young women who have not yet started menstruating on account of being under age. The "*iddah* for women who are pregnant at the time of divorce continues until they give birth to their child irrespective of the length of the period.

The words *إِنْ ارْتَبْتُمْ* (if you are in doubt) refer to the doubt or confusion such women may have because the real "*iddah* is counted on the basis of menstruation, but these women's menstruation has ceased, so they are doubtful about how to count their "*iddah*.

*وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مِنْ أَمْرِهِ يُسْرًا* (And whoever fears Allah, He brings about ease for him in his affair....65:4) The verse further speaks of the virtues and blessings of *taqwā* in that whoever has *taqwā*, Allah will make matters easy for him in this world as well as in the next world. Then the verse emphasises strict adherence to the above laws pertaining to divorce and waiting-period, thus: *ذَلِكَ أَمْرُ اللَّهِ أَنْزَلَهُ إِلَيْكُمْ* (This is the command of Allah that He has sent down to you...5) After this, the verse again draws attention to another virtue of *taqwā*. *وَمَنْ يَتَّقِ اللَّهَ يُكَفِّرْ عَنْهُ سَيِّئَاتِهِ وَيُعْظِمْ لَهُ أَجْرًا* (And whoever fears Allah, He will write off his evil deeds, and will give him a huge reward...65:5)

### Five Blessings of *taqwā*

The merits and blessings of *taqwā* mentioned in the above verses may be summarised in five things: [1] He who has *taqwā* will be given a way out of difficulties and adversities; [2] He will be provided with all his needs from resources that he does not anticipate or expect; [3] Allah will make matters and tasks easy for him; [4] Allah will expiate his sins; and [5] He will grant him an immense reward.

Another blessing of *taqwā* mentioned by the Holy Qur'an at another place is that a God-fearing person finds it easier to distinguish between right and wrong, thus: *إِنْ تَتَّقُوا اللَّهَ يَجْعَلْ لَكُمْ فُرْقَانًا* (...if you fear Allah, He will provide you with a criterion to distinguish between right and wrong...8:29) The next verses deal with further rules about the waiting period and maintenance of the divorced women and their other rights.

*أَسْكِنُوهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مِنْ وَجْدِكُمْ وَلَا تُضَارُّوهُنَّ لِتُضَيِّقُوا عَلَيْهِنَّ* (Provide to them [the divorced women] residence where you reside according to your means...65:6) This injunction is related to Rule [3] above which states that

divorced women must not be expelled from their homes. This verse states the positive aspect of the injunction, in that the husbands, according to their means, should let their divorced wives live in some portion of the residence where they themselves live. If the wife is given a revocable divorce, there is no need for any *ḥijāb* or veil. However, if she is given an irrevocable divorce, whether of minor degree [*bā'in*] or of major degree by pronouncing divorce thrice, then marriage tie stands broken. She is required to be in *ḥijāb* in the presence of her former husband. Therefore, the arrangement in the residence should be made in such a way that she lives in the same residence with full observance of the rules of *ḥijāb*.

### Rule [10]: Do not Hurt Divorced Women during their "iddah

لَا تَضَارُّوهُنَّ (...and do not hurt them to straiten [life] for them...65:6) This verse sets down that all the possible needs of a divorced woman must not be harassed by taunts or by curtailing her needful things, so that she is compelled to leave the home.

### Rule [11]: Maintenance of Divorcees during their "iddah

وَإِنْ كُنَّ أُولَاتٍ حَمْلٍ فَأَنْفِقُوا عَلَيْهِنَّ حَتَّى يَضَعْنَ حَمْلَهُنَّ (...And if they are pregnant, spend on them till they give birth to their child...65:6) This verse lays down the rule that if a divorcee is pregnant at the time of divorce, her maintenance is obligatory on the husband. On the basis of this verse, there is a complete consensus of the Ummah on this point. Similarly, if she is not pregnant, and the divorce given to her is revocable, her maintenance too is compulsory on the husband till the expiry of her "iddah. This point too is agreed upon by all the jurists of the Ummah. However, if a wife is given irrevocable divorce, whether a *bā'in* divorce or the divorce pronounced three times, or if a woman has got her marriage terminated by way of *khul'* [got herself separated from the husband for a compensation], will not have to be maintained by the husband according to Imāms Shāfi'ī, Aḥmad and others. However, according to Imām Abū Ḥanīfah, her maintenance is also incumbent upon the husband. He argues that just as she is entitled to residence during the term of "iddah as is provided in verse 6, she is entitled to sustenance too. The husbands are obligated to provide them with these necessities of life during "iddah. This is further supported by those Traditions in which it has been reported that when Sayyidnā 'Umar رضي الله عنه heard the report of Fāṭimah bint Qais who claimed that her husband was not obligated to maintain her

after divorce, he said: "We cannot abandon the Book of Allah and the Sunnah of the Prophet ﷺ, on the basis of this narration. [Muslim]

'The Book of Allah' apparently refers to this verse (6). According to Sayyidnā 'Umar رضي الله عنه, the verse includes maintenance. 'Sunnah' refers to the Tradition reported by Sayyidnā 'Umar رضي الله عنه himself and transmitted by Ṭaḥāwī, Darquṭnī and Ṭabarānī. Sayyidnā 'Umar رضي الله عنه reports that he heard the Messenger of Allah ﷺ say that women divorced by three pronouncements are also entitled to maintenance and lodging.

The details are available in Tafsīr [Maḥzarī].

### Rule [12]: Fees for Suckling the Child

فَإِنْ أَرْضَعْنَ لَكُمْ فَآتُوهُنَّ أُجُورَهُنَّ (...Then if they suckle the child for you, give them their fees...65:6). In other words, divorcees who are pregnant, their term of 'iddah ends with the birth of the child. Consequently, their maintenance is not incumbent upon the husband. However, if they are suckling the baby, it is permissible for the mother to claim a fee for suckling the baby from her former husband, and it is incumbent on him to pay it to her, if she claims it. The principle is that as long as the marriage between the parents of the baby is intact, it is the responsibility of the mothers to suckle the children as the Qur'ān states وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ (And the mothers suckle their children...2:233) One cannot receive a fee for an act that is obligatory on him or her, because it amounts to *rishwah* (bribery) which in itself is unlawful to give or take. The period of 'iddah is akin to the marriage in this respect, because the husband is obligated to maintain her, and therefore she cannot claim a fee for suckling a child during this period too. But once she has delivered the baby, her term of 'iddah is over and she is absolutely released from the tie of marriage. Consequently, it is not incumbent upon the former husband to maintain her. In this instance, if she suckles the baby, the verse under comment permits giving and taking a payment for the service.

### Rule [13]

وَاتَّمِرُوا بَيْنَكُمْ بِمَعْرُوفٍ (...and consult each other [for determining the fee] with fairness...65:6) The word *I'timar* means 'to consult each other' and 'to accept each other's suggestion'. The verse directs the spouses to avoid any conflict in determining the fee for suckling. The divorced wife should not



demand more than the normal rate, nor should the former husband of the divorcee refuse to pay the normal fee. They are advised to settle the issue with mutual understanding and tolerance.

### Rule/Injunction [14]

وَإِنْ تَعَاَسَرْتُم فَعَسْوَاعٌ لَهُ أُخْرَى (...And if you have a deadlock between you, then another woman will suckle him...65:6) In other words, if the husband and wife cannot agree on the fee of suckling with mutual consent, or the wife refuses to suckle the child even for a remuneration, then the mother cannot be forced by a court for the service of suckling. Normally, the mother has the most compassion for the child. Despite this, if she is refusing to suckle him, she probably has a genuine reason for that. If she has no genuine reason, and she is refusing merely on account of anger and displeasure, she is a sinner in the sight of Allah, but an Islamic court cannot force her to do the suckling. Likewise, if the husband, on account of abject poverty, is unable to pay the fee for suckling and a wet-nurse is willing to suckle the child without remuneration or for a lesser fee than what the divorcee mother is demanding, he cannot be forced to agree to the demand of the mother and get her to do the suckling. In fact, in either of the cases it is possible to have the child suckled by the wet-nurse. However, if the fee the mother is demanding is the same as the wet-nurse's remuneration, preference would be given to the mother rather than the wet-nurse. This is a point of consensus between all the Muslim jurists.

### Ruling

If it is agreed that the wet-nurse would do the suckling, it is incumbent that the wet-nurse should do the suckling while the child is in the custody of the mother. It is not lawful to separate the mother and the baby, because the custody of the child is the right of the mother according to the law of Ḥiḍānah as stated in the authentic Traditions. It is not permissible to usurp this right from her. [Tafsīr [Maḥzarī]].

### Rule [15]: Quantum of Divorcee's Maintenance

لِيُنْفِقَ ذُو سَعَةٍ مِّن سَعَتِهِ ط وَمَن قُدِرَ عَلَيْهِ رِزْقُهُ فَلْيُنْفِقْ مِمَّا آتَاهُ اللَّهُ (A man of vast means should spend according to his vast means. And anyone whose sustenance is limited should spend from whatever Allah has given to him...65:7) In other words, in determining the quantum of the divorced wife's maintenance the financial position of the husband will be taken into

account. If the husband is wealthy, he should spend on his divorcee according to his affluence; and if he is indigent, he should spend according to his limited resources - even if the wife is wealthy. This is the ruling of Imām Abū Ḥanīfah. Other schools of jurisprudence hold differing views. [Tafsīr [Maḥzarī]]

لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا مَا آتَاهَا ۚ سَيَجْعَلُ اللَّهُ بَعْدَ عُسْرٍ يُسْرًا (Allah makes no one liable beyond what He has given to him. Allah will soon bring ease after a difficulty....65:7) This is an elaboration of the preceding statement, in that Allah does not demand from anyone more than what he can afford. Therefore, if the husband is indigent, it is incumbent upon him to provide for her according to his level of indigence at that time. The wife, on the other hand, is advised to be content, for the time being, with the amount of sustenance her indigent husband is able to provide. She should not think that the present state of indigence will last for all times to come, because ease and difficulty are in the hands of Allah, and as such He can change indigence into affluence.

### Special Note

The verse under comment bears an indication that Allah will create a condition of ease for husbands who try to provide for their wives the obligatory amount of sustenance to the best of their ability, and are not in the habit of keeping their wives under straitened circumstances. [Rūḥ-ul-Ma'ānī] And Allah knows best!

### Verses 8 - 12

وَكَأَيِّنْ مِنْ قَرْيَةٍ عَتَتْ عَنْ أَمْرِ رَبِّهَا وَرُسُلِهِ فَحَاسَبْنَاهَا حِسَابًا شَدِيدًا وَعَذَّبْنَاهَا عَذَابًا نُكَرًا ﴿٨﴾ فَذَاقَتْ وَبَالَ أَمْرِهَا وَكَانَ عَاقِبَةُ أَمْرِهَا خُسْرًا ﴿٩﴾ أَعَدَّ اللَّهُ لَهُمْ عَذَابًا شَدِيدًا ۖ فَاتَّقُوا اللَّهَ يَأُولِي الْأَلْبَابِ ۗ الَّذِينَ آمَنُوا ۚ قَدْ أَنزَلَ اللَّهُ إِلَيْكُمْ ذِكْرًا ﴿١٠﴾ رَسُولًا يَتْلُو عَلَيْكُمْ آيَاتِ اللَّهِ مُبَيِّنَاتٍ لِيُخْرِجَ الَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ مِنَ الظُّلُمَاتِ إِلَى النُّورِ ۚ وَمَنْ يُؤْمِنْ بِاللَّهِ وَيَعْمَلْ صَالِحًا يُدْخِلْهُ جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ خَالِدِينَ فِيهَا أَبَدًا ۖ قَدْ أَحْسَنَ اللَّهُ

لَهُ رِزْقًا ﴿١١﴾ اللَّهُ الَّذِي خَلَقَ سَبْعَ سَمَوَاتٍ وَمِنَ الْأَرْضِ مِثْلَهُنَّ  
يَتَنَزَّلُ الْأَمْرُ بَيْنَهُنَّ لِتَعْلَمُوا أَنَّ اللَّهَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ وَأَنَّ اللَّهَ  
قَدْ أَحَاطَ بِكُلِّ شَيْءٍ عِلْمًا ﴿١٢﴾

And how many a township rebelled against the command of their Lord, and against His messengers, so We called them to a severe account, and punished them with an evil punishment. [8] Thus they tasted the evil consequence of their acts, and the end of their conduct was loss. [9] Allah has prepared for them a severe punishment; so fear Allah O men of understanding who have believed! Allah has sent down to you a Reminder, [10] a messenger who recites to you the verses of Allah, making (the truth) clear, so that He may bring forth those who believe and do righteous deeds from the layers of darkness into the light. And whoever believes in Allah, and acts righteously, He will admit him to the gardens beneath which rivers flow, wherein such people will live forever. Allah has made for him a good provision. [11] Allah is the One who has created seven skies, and their like from earth. The Command descends among them, so that you may know that Allah is powerful over every thing, and that Allah has encompassed every thing in knowledge. [12]

### Commentary

فَحَاسَبُنَهَا حِسَابًا شَدِيدًا وَعَذَّبْنَاهَا عَذَابًا نُّكَرًا (so We called them to a severe account, and punished them with an evil punishment...65:8). The severe account and evil punishment of nations mentioned in this verse refers to what will happen in the Hereafter. However, the past tense has been employed presumably to indicate the occurrence of these events is as certain as if it has already been materialised. [Rūḥ]. The other possibility is that the *Hisāb* or 'account' in this context does not refer to interrogation, but to the determination of punishment, (in which case it may refer to the punishment faced by the infidels right here in this world.) Another possibility is that the 'severe account' will though take place in the Hereafter, it has already been recorded and is being recorded on daily basis in the ledger of deeds and is therefore described as 'called them to a severe account'. In this interpretation, the 'punishment' refers to the past nations who were destroyed by Divine punishment in this world because

they defied Allah's and His Messengers' commandments. In this case, only the next statement **أَعَدَّ اللَّهُ لَهُمْ عَذَابًا شَدِيدًا** (Allah has prepared for them a severe punishment...10) would refer to the terrible punishment of the Hereafter.

**قَدْ أَنْزَلَ اللَّهُ إِلَيْكُمْ ذِكْرًا. رَسُولًا** (Allah has sent down to you a Reminder, a messenger...65:10-11). The verb *arsala* 'sent' needs to be understood preceding the object *rasūlan* 'a messenger' which appears at the commencement of verse [11]. The simplest way in which these verses can be interpreted is to translate them thus: 'Allah has sent down to you a Reminder, (the Qur'ān and He has also sent to you) a messenger...65:11) Other commentators have preferred other interpretations. For instance some say that the word *dhikr* ('Reminder') refers to the Holy Prophet ﷺ himself, and the word 'messenger' is an explanatory complement to the word '*dhikr*', because abundance of his remembering Allah made him a personified Remembrance of Allah. [Rūḥ] <sup>1</sup>

### Where are the Seven Earths and in What Form?

**اللَّهُ الَّذِي خَلَقَ سَبْعَ سَمَاوَاتٍ وَمِنَ الْأَرْضِ مِثْلَهُنَّ** (Allah is the One who has created seven skies, and their like from earth...65:12). This verse indicates that there are seven earths as there are seven heavens, but the question is where these earths are and in what shape or form. Are they in the form of seven layers one above the other, or each earth is separate from the other. If they form layers one above the other, is there a distance between two earths, just as there is a distance between two heavens? Are there separate creatures living on each earth, just as separate types of angels are residing in every heaven? Is there air, wind, atmosphere and so forth on each earth? Or, are these layers of earth joined and compact with each other? The Qur'ān is silent on these questions. There are Traditions reported on these questions, but the leading authorities of Traditions disagree about their authenticity. Some scholars have authenticated them and others have graded them as 'fabricated'. Rationally all findings are possible, and none of our religious or mundane needs are dependent on resolving these issues, nor will we be questioned about them in the grave

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[1] This explanation is based on the premise that '*dhikr*' in this verse means 'Allah's remembrance'. However, it also means 'reminder'. Taken in this sense, the word 'messenger' in the verse can be easily interpreted as an explanatory complement to the word '*dhikr*', because the Holy Prophet ﷺ is a 'Reminder' to the entire mankind. Our translation in the text is based on this connotation. (Muhammad Taqi Usmani )

or at Resurrection, so that we need to do research about the seven earths, their locale or their inhabitants. The safest position is to believe that there are seven earths as there are seven skies. Allah has created them with His Supreme Creative Power. Qur'ān has mentioned this much only. If the Qur'ān did not find it necessary to give a detailed account of it, there is no need for us to think about it or research it. This was the attitude of our pious predecessors. They formulated the following policy **ابهموا ما ابهمه الله** "Leave unexplained what Allah has left unexplained" as long as it does not contain any injunction for us to follow, nor does it concern our religious or mundane need. This commentary has been written for the common readers. Purely academic issues have not been included here which might not be needed for them.

**يَنْزِلُ الْأَمْرُ بَيْنَهُمْ** (The Command descend among them...65:12) The verse purports to say that Divine commands and decrees are revealed and work in the seven heavens and in the seven earths. The Divine commands or decrees operate in two ways: [1] *Tashrī'ī*; and [2] *Takwīnī*. *Tashrī'ī* command refers to laws Divinely prescribed for people who are legally obligated to observe them. The Divinely legislated laws are revealed through the angels to the Prophets **عليهم السلام** to be passed on to the humans and *jinn*s. These laws pertain to articles of faith, worship, good morals, transactions and way of living. Adherence to them attracts reward and flouting them entails punishment. *Takwīnī* laws pertain to the Divine decrees in connection with the creation of the universe or bringing it into existence from the realm of non-existence, its gradual growth and development, its phenomena of depletion and replenishment, and the phenomena of life and death. These decrees encompass the entire Divine creation. Therefore, if it be proved that between two earths there is atmosphere and distance, and that some kind of creatures inhabits it, even if that kind of creature is not legally bound by the Shari'ah laws, the description **يَنْزِلُ الْأَمْرُ** 'The Command descend among them...65:12) will still apply, because Allah's *Takwīnī* decrees encompass them as well. And Allah, the Pure and Exalted, knows best!

**Alḥamdulillah**  
**The Commentary on**  
**Sūrah Aṭ-Ṭalāq**  
**Ends here**